IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Writ Petition No.462 of 1999.

Date of decision:04.01.2006.

The Gram Panchayat, Charatgarh. …..Petitioner.

Versus

State of Himachal Pradesh & Another. …..Respondents.

Coram

The Hon'ble Mr.Justice K C Sood,J.

Whether approved for reporting ?[1]

For the Petitioner: Mr.O.P. Sharma, Senior Advocate with Mr.K.R.Kashyap, Advocate.

For the Respondents:Mr.M.S. Chandel, Advocate General with Mr.Ashok Chaudhary, Additional Advocate General.

K C SOOD,J.(Oral).

The petitioner Gram Panchayat, Charatgarh in the District of Una by this writ petition, prays that the respondents-State be directed to undertake resettlement of the estate in the Gram Panchayat Charatgarh in Tehsil and District Una, for the reason that the settlement which took place in the year 1985-86 was wrong, illegal and not in accordance with the procedure envisaged under the law and seventy percent of this settlement is defective.

It is the case of the petitioner that the settlement was not carried out in accordance with the Rules and Procedure. Certain persons who are in active physical possession of the land in this estate were not given notice to be present on the spot while the

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement*?**

settlement proceedings were carried out. It is further case of the petitioner that the settlement took place in the year 1985-86 had affected the rights of several residents of this village and inspite of several representations, the Authorities concerned did not listen.

In reply the respondents say that settlement in question is not visited with any illegality either procedural or otherwise. No act of omission or commission was brought to the notice of the Authority concerned who undertook the settlement. No grievance was made by any individual in the settlement operation. In the settlement operation each and every inch of the land was physically surveyed on the spot and fresh revenue record was prepared after verifying the old record and documents on the spot. The respondents contend that even if there were any acts of omission or commission then individual who were aggrieved were free to get their grievance removed in accordance with law. According to the respondents, the settlement operation in Mohal Charatgarh was undertaken in the year 1986-87 and every inch of the land was surveyed on the spot in the presence of the right holders of the estate and the same was checked cent-percent by the Field Kanungo and fifty percent by the Revenue Officers i.e. Settlement Tehsildar and the Naib Tehsildar and random checking was done by the Assistant Settlement Officer and the Settlement Officer from time to time.

Objections of the right holders, if any, were considered and disposed of by the Revenue Officers at the spot during the inspection. The land in question was

properly demarcated by the field staff and the boundary pillars were also fixed as per norms. It is stated that representation dated 24th July, 1998 was received from the Pradhan, Gram Panchayat, Charatgarh and enquiry was held on the spot through Settlement Tehsildar, Una, who reported that there was no need to revoke the settlement undertaken in the year 1986-87 and any individual corrections which were required to be made in view of converted measurement from Karamkan to Metric system could be got corrected by filing proper application.

Heard Mr.O.P. Sharma, learned Senior Counsel for the petitioner and Mr.Chaudhary, learned Additional Advocate General.

The writ petition does not disclose any illegality either procedural or otherwise may in the settlement operation in question. In the rejoinder the petitioner has given two instances. One in case of Ganesh Dutt who had his land in Khasra No.1140 and was allotted Khasra No.2210, his land is allegedly decreased by 1 Kanal 10 Marlas which is shown in the ownership of another person. It is also stated that the courtyard in the possession of Ganesh Dutt was not shown in his possession. If Ganesh Dutt had any individual grievance he could have always filed appropriate application before the concerned Authority for correction.

Another grievance made is that there was passage of 5 meters width in the land of Khsra No.2077 and now this passage is reduced to 3 feet. In this case too an appropriate application could be filed, under the law,

before an appropriate Authority for correction. Similarly, according to the petitioner, in case of one Balbir Chand, some wrong measurement is alleged. Again it is an individual grievance and could be re-assessed before an appropriate Authority.

This apart, the settlement operation took place in the year 1986-87, the writ petition was filed in the year 1999. The petition, therefore, suffers from delay and laches. There is nothing to show that the settlement operation was either against the provisions of such settlement or there had been large scale bungling in the record.

Section 35 of the Land Revenue Act provides for the procedure for making of the records. Section 37 clearly stipulates that if during the making revision or preparation of any record or in the course of any enquiry under this Chapter a dispute arises as to any matter of which an entry is to be made in a record or in a register of mutations, a Revenue Officer may of his own motion or on the application of any party interested determine the entry to be made as to that matter.

I find no merit in this petition.

Dismissed.

No costs.

January 4, 2006 **(K C Sood)**
(aks) **Judge.**